

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Jermaine Alton Stevens

Docket No. 5:03-CR-370-1BO

Petition for Action on Supervised Release

COMES NOW Scott Plaster, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Jermaine Alton Stevens, who, upon an earlier plea of guilty to Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on September 2, 2004, to the custody of the Bureau of Prisons for a term of 77 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

Jermaine Alton Stevens was released from custody on August 7, 2009, at which time the term of supervised release commenced.

On August 31, 2009, the court was notified via a Violation Report that Stevens tested positive for marijuana on August 11, 2009. At that time, Stevens admitted using marijuana prior to his release from the residential re-entry center. Stevens was reprimanded and warned that additional drug use may result in a punitive sanction. It was recommended that supervision continue with no further action, and the court concurred.

On May 4, 2010, a Violation Report was submitted, advising the court that the defendant had tested positive for marijuana on April 12, 2010, and April 26, 2010, and he admitted using on two separate occasions. It was recommended that Mr. Stevens be afforded the opportunity to participate in substance abuse counseling, in addition to a return to the beginning phase of the Surprise Urinalysis Program. The court was also advised that additional drug use by Stevens would result in a return to court for revocation proceedings and was in agreement with the recommendation.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

On March 29, 2011, the defendant submitted a random drug screen with a positive result for marijuana. When confronted with the results of the test on April 6, 2011, the defendant reported he had recently been terminated from his employment and subsequently used marijuana out of boredom.

Jermaine Alton Stevens
Docket No. 5:03-CR-370-1BO
Petition For Action
Page 2

While the court was previously notified that additional drug use would result in revocation proceedings against the defendant, the probation office recognizes the defendant remained drug free for almost one year while participating in substance abuse treatment. As a result, it is recommended that the defendant continue in substance abuse treatment, in addition to modifying the terms of supervised release to include participation in a cognitive behavioral program, which will address thinking errors and decision making skills. Additionally, the defendant has been warned that another violation of this nature will absolutely result in the initiation of revocation proceedings. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a cognitive behavioral program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Scott Plaster
Scott Plaster
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: April 27, 2011

ORDER OF COURT

Considered and ordered this 27 day of April, 2011, and ordered filed and made a part of the records in the above case.

Terence Boyle
Terence W. Boyle
U.S. District Judge